MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 8, 2009

(Published May 16, 2009, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

May 8, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 5/8/2009.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of April 24, 2009. Seconded.

Adopted upon a voice vote 5/8/2009.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 5/8/2009.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE (See Rep):

REGULATORY SERVICES (273442)

Minneapolis Economic Recovery Strategy - Transportation Electrification Grant Application

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273443)

Affordable Housing Initiative for 2008: Annual Evaluation.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273444)

Great Streets Business District Support: Contracts for business district support activities.

Year 2010 Low Income Housing Tax Credit Procedure Manual & Allocation Plan.

Lutheran Social Services/Center for Changing Lives Project: Authorizing acceptance of MN Department of Employment & Economic Development Redevelopment Grant.

Land Sale (1215 Marshall St NE-part): To Kristina Oman.

COUNCIL MEMBER GLIDDEN (273445)

Foreclosures: Supporting information relating to adoption of rental initiative policies.

GRANTS AND SPECIAL PROJECTS (273446)

Mpls Economic Recovery Strategy/2008 Consolidated Plan Amendment #2 Homeless Prevention & Rapid Re-Housing Program (Recovery Emergency Shelter Grant).

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273447)

Franklin Light Rail Transit Station Area Redevelopment Plan: Land acquisition, consideration of Hiawatha Transit Oriented Development Program set-aside fund request; Redevelopment Plan modifications.

HEALTH, ENERGY AND ENVIRONMENT:

HEALTH AND FAMILY SUPPORT SERVICES (273448)

Swine Flu: Update.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273449)

Health Insurance Portability and Accountability Act: Execute Business Associate Agreements with governmental, community or other entities related to the sharing of protected health information; and Authorize Commissioner of Health to sign Agreements on behalf of City.

School Based Clinic Program: Execute internship agreements with University of St. Thomas and St. Mary's University for practicum students enrolled in their Masters Counseling and Psychology and/or Marriage and Family programs to receive clinical counseling practicum experience.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (273450)

2006 Healthy Homes Demonstration Grant: Amend agreement with Pediatric Home Services to increase grant funded services to provide asthma visits and interventions through December 31, 2009.

INTERGOVERNMENTAL RELATIONS (See Rep):

ATTORNEY (273451)

Mpls City Charter: Request of Mpls Charter Commission to recommend amendment, by ordinance, for reinstatement of the City's primary election.

Mpls City Charter Revision: Charter Revision Workgroup Proposal.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273452)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273453)

Taxicab Driver James Huseby (2419 Grand St NE): Approve operating conditions relating to Taxicab Driver's License.

Sam's Wine and Spirits (218 Washington Av N): Grant Off-Sale Liquor License, with conditions.

DJ's Stump Removal (6033 Dague Av SE, Delano): Grant Tree Servicing License, with conditions.

La Belle Crepe (825 Nicollet Mall): Grant Sidewalk Cafe License, with conditions.

REGULATORY SERVICES (273454)

Chapter 249 Property at 1105 E 28th St: Authorize demolition.

REGULATORY SERVICES (273455)

Chapter 249 Property at 1714 Hillside Av N: Authorize demolition.

REGULATORY SERVICES (273456)

Chapter 249 Property at 2819 Bloomington Av S: Appeal of Director's Order to demolish property. REGULATORY SERVICES (273457)

Property at 2214 Penn Av N: Determine that property constitutes an immediate hazard to the public health and safety; Approve waiver of the 60-day waiting period set forth in Chapter 249; and that the other procedures as set out in Chapter 249 may be implemented immediately.

Property at 1803 Emerson Av N: Determine that property constitutes an immediate hazard to the public health and safety; Approve waiver of the 60-day waiting period set forth in Chapter 249; and that the other procedures as set out in Chapter 249 may be implemented immediately.

REGULATORY SERVICES (273458)

Rental Dwelling License at 4007 Emerson Av N: Revoke license held by James M. Price III.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (273459)

2009 Assistance to Firefighters Grant: Submit application seeking \$130,000 from United States Department of Homeland Security to replace two self contained breathing apparatus filling air compressor systems.

POLICE DEPARTMENT (273460)

Bomb Unit: Accept donation of an aluminum post stand to be used by the Police Department in the disarming of bombs.

REGULATORY SERVICES (273461)

Bid #7090 for Non-Emergency Securing Vacant and Open Buildings: Accept low bid of Castrejon Inc.

Bid #7089 for Emergency Securing Vacant and Open Buildings: Accept low bid of Neighbor Serve Inc.

Bid for Demolition of Ten Structures: OP #7136, accept low bid of Doboszenski and Sons to demolish ten structures as directed by Regulatory Services.

Animal Care & Control Donations: Authorize solicitation of donations by Minneapolis Animal Care & Control for the purpose of funding activities related to animal care and to supplement educational/outreach efforts.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273462)

Obstruction of Traffic Ordinance Amendment: Set public hearing for 5/12/09.

Roundabout Feasibility at Chicago Ave and 9th St E Intersection: Report.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 4th Quarter, 2008 (See Petn No 273238).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273463)

2009 Minneapolis Stormwater Management Program & 2008 Activities: Adopt plan.

Special Assessment Deferment Application: 1611 37th St E.

44th St W Street Resurfacing Project No 5199: Project designation and cost estimate.

7th St N Street Resurfacing Project No 5200: Project designation and cost estimate.

Xerxes Ave S Street Resurfacing Project No 5203: Project designation and cost estimate.

38th St E Street Resurfacing Project No 5196: Project designation and cost estimate.

Transportation Electrification Grant: PowerPoint presentation reletter of support and partnership with Ford Motor Co.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273464)

Thomas Ave N Street Resurfacing Project No 5195: Project approval and adoption of assessments; Comments.

Sodium Permanganate: Increase contract with Hawkins, Inc.

Minneapolis-Duluth/Superior Passenger Rail Alliance Board: Approve expenditure for City participation.

Donation of Bicycles: Accept 26 bicycles from Bikes Belong.

Water Sale: Agreements with Metropolitan Airports Commission, Edina, and Hilltop.

18th Ave NE Bikeway Phase II: Increase appropriation and acquisition of permanent trail easements.

OP 7117: Kone, Inc., re-bid for modernization of elevators.

Parking Ramp Revenue Control Equipment: Increase contract with Don Harstad Company.

Bids: a) OP 7042, MacQueen Equipment, Inc., for a cart lifting system; and b) OP 7116, Veit and Company, for Chicago Ave removals, storm sewer, and grading.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273465)

Legal Settlement: Juan Carlos Paute.

BUSINESS INFORMATION SERVICES (BIS) (273466)

Mobile Data Computers: Increase OP #6874 with Hubb Systems, LLC d/b/a Data 911 to purchase additional computers.

Unisys Contract: Increase contract C-25200 to expand City's virtual server hosting capacity.

COMMUNICATIONS (273467)

June 2009 Utility Billing Insert: Legal and Illegal Fireworks.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273468)

Empowerment Zone: Accept grant funds \$264,600 from Department of Housing and Urban Development (HUD) for Neighborhood Development Center capital improvement project, Great Neighborhoods! Development Corporation Braodway Athletic Center project, and North End Hardware structural improvement project.

FINANCE DEPARTMENT (273469)

Banking and Custodial Services: Issue RFP.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273470)

Moratorium Waiver application: SYN, LLC, 3028 Cedar Ave S

Rezonings:

Sparrow Cafe: 2500 5th St NE, 415 Lowry Ave NE

46th Street LRT Station Area rezoning

Vacation:

Church of St Helena: 3204 43rd St E, public alley vacation

FILED:

CHARTER COMMISSION (273471)

Transmittal Letter to City Council: Recommending passage by ordinance amendment to Chapter 2 of City Charter re reinstating primary election (See IGR action of 5/8/09).

CITY CLERK (273471.1)

Properties at 1905 3rd Av S and 1801 3rd Av S: Transcript of Administrative Citation hearing held November 4, 2008 before Fabian Hoffner, Hearing Officer.

CASHILL, MIKE & ALAN SPAULDING (273472)

Vacate alley on France Ave between 3826 31st St Minneapolis and 3907 Hwy 7, St Louis Park, which 'T's up to 31st Street W.

LAKEWOOD ISLES, L.L.C. (273473)

Vacate alley on corner of 31st Street and Ewing Ave S; Between 3031 Ewing Ave S and 3811 France Ave S.

MINNEAPOLIS FIREFIGHTERS RELIEF ASSOCIATION (273474)

Pension Fund: Investment-related Postretirement Adjustments.

MINNESOTA BALLPARK AUTHORITY (273475)

Vacate four alleys: 1. 10th Street North and 3rd Avenue North Rights -Of-Way; 2. 7th Street North Right-Of-Way; 3. Holden Street & 11th Street North Rights-Of-Way; 4. 3rd Avenue North Right-Of-Way.

The following reports were signed by Mayor Rybak on May 12, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the recommendation of staff to authorize Proper City Officials to submit a letter of support to the University of Minnesota for their Transportation Electrification Grant Application under the American Recovery and Reinvestment Act, now recommends that said authorization be granted.

Adopted 5/8/2009.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution calling for mortgage lenders to allow renters and former owners to stay in their homes with a Rental Initiative Policy.

Adopted 5/8/2009.

Declining to vote - Johnson.

Resolution 2009R-182, calling for mortgage lenders to allow renters and former owners to stay in their homes with a Rental Initiative Policy, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-182

By Glidden, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Remington, Benson, Colvin Roy and Hodges

Calling for mortgage lenders to allow renters and former owners to stay in their homes with a Rental Initiative Policy.

Whereas Minneapolis homeowners, tenants, and neighborhoods have suffered a growing number of foreclosed and vacant homes; and

Whereas, these vacant homes attract crime and vandalism and cost the City of Minneapolis and other cities money in crime prevention and property maintenance; and

Whereas, vacant and foreclosed homes may often decrease surrounding property values and become nuisance properties within our neighborhoods; and

Whereas, the subprime mortgage foreclosure crisis is now compounded by high unemployment rates and other economic pressures on families and homeowners; and

Whereas, Fannie Mae and Freddie Mac have adopted REO (real-estate owned) rental initiative policies to keep tenants and owner occupants in their homes after foreclosure;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City calls on mortgage holders, including subsequent non-homestead fee owners of foreclosed properties, to adopt rental initiatives similar to those policies adopted by Fannie Mae and Freddie Mac to keep tenants and former owners in their homes after foreclosure, and expand those policies to apply to properties with greater than four units, as a means to protect families, neighborhoods, our housing stock, and the public interest through these difficult economic times.

Adopted 5/8/2009.

Declining to vote - Johnson.

Comm Dev-Your Committee, having under consideration Great Streets Business District support contracts, now recommends that the proper City officers be authorized to negotiate contracts for business district support activities consistent with recommendations set forth in the Department of Community Planning & Economic Development staff report, as follows:

Proposer - Eligible Area Covered - Amount

- 1. Catalyst Community Partners W Broadway \$50,000
- 2. African Development Center Cedar Riverside \$50,000
- 3. West Bank Business Association Cedar Riverside \$50,000
- 4. Peace Foundation W Broadway \$7,500
- 5. WomenVenture W Broadway \$50,000
- 6. Latino Economic Development Center E Lake St \$50,000
- 7. NEON W Broadway \$30,000
- 8. East Downtown Council Chicago Ave \$49,945
- 9. Lake Street Council E Lake St \$50,000
- 10. KMOJ W Broadway- \$27,210
- 11. Folwell Neighborhood Association with Cleveland Neighborhood Association, Hawthorne Neighborhood Association, Jordan Area Community Council, and McKinley Community Lowry Ave N/Lyndale Ave N, Lowry Ave N/Penn Ave N, Lowry Ave N/Emerson Ave N \$25,000
- 12. Seward Redesign with SENA 38th St LRT, 46th St LRT, 28th Ave & 42nd St, Cedar & 42nd St, Cedar and Minnehaha \$50,000
 - 13. MCCD/NDC E 38th St and Chicago Ave S \$30,000
 - 14. NDC/Mercado Central Midtown Lake St/Mercado Central \$29,000
 - 15. Seward Redesign Franklin Ave \$40,050
 - 16. Northside Arts Collective W Broadway \$19,500
 - 17. NECDC-Central Ave \$20,000
 - 18. Franklin Area Business Association Franklin Ave (W of Hiawatha) \$15,000
 - 19. West Broadway Coalition W Broadway \$35,000
 - 20. Northside Arts Collective W Broadway \$10,000
 - 21. Uptown Association W Lake St, Lake/Hennepin, Lyndale Ave S -\$23,750

Adopted 5/8/2009.

Comm Dev-Your Committee, having under consideration the Year 2010 Low Income Housing Tax Credit Procedural Manual and Qualified Allocation Plan (QAP), now recommends approval of the Manual and QAP as set forth in the report of the Department of Community Planning & Economic Development, as amended to reflect no changes to the current QAP, and that the proper City officers be authorized to proceed with a Request for Proposal.

Adopted 5/8/2009.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the Director or Deputy Director of the Department of Community Planning & Economic Development to accept the Minnesota Department of Employment & Economic Development (DEED) Redevelopment Program Grant funding for the Lutheran Social Services/Center for Changing Lives project in the amount of \$204,400, and authorizing the Finance Officer, Citywide Contracts Administrator or City Purchasing Agent to execute such agreements, including sub recipient funding agreements, as are necessary to implement the project.

Adopted 5/8/2009.

Resolution 2009R-183, authorizing acceptance of the Minnesota Department of Employment and Economic Development Redevelopment Grant for the Lutheran Social Services/Center for Changing Lives Project, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-183 By Goodman

Authorizing acceptance of the Minnesota Department of Employment and Economic Development (DEED) Redevelopment Grant for the Lutheran Social Services/Center for Changing Lives Project.

Whereas, the City of Minneapolis intends to act as the legal sponsor for Lutheran Social Services/Center for Changing Lives Redevelopment Grant in the amount of \$204,400 in place of the Hennepin county Housing and Redevelopment Authority; and

Whereas, the City has the legal authority to apply for financial assistance and the institutional, managerial and financial capacity to ensure adequate project administration; and

Whereas, the sources and amounts of the local match indentified in the application and grant award are committed to the Lutheran Social Services/Center for Changing Lives Project; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, given the approval of the previously submitted application and the change of legal sponsorship from the Hennepin County Housing and Redevelopment Authority to the City for the Lutheran Social Services/Center for Changing Lives Project, the City will enter into agreements with the State of Minnesota/DEED and LSS Park Avenue Apartments Limited Partnership for the project and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director or Deputy of the Department of Community Planning and Economic Development to accept the Minnesota Department of Economic Development for Redevelopment Program grant funding for the Lutheran Social Services/Center for Changing Lives Project and the Finance Officer, Citywide Contracts Administrator or City Purchasing Agent to execute such agreements, including subrecipient funding agreements, as are necessary to implement the project.

Adopted 5/8/2009.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1215 Marshall St NE (part) to Kristina Oman, or an affiliated limited liability company, for the fair market value price of \$1.00, subject to the conditions set forth in the Department of Community Planning & Economic Development staff report.

Lost, per Chapter 4, Section 14 of the Minneapolis City Charter.

Yeas, 7; Nays, 6 as follows:

Yeas - Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren.

Nays - Goodman, Colvin Roy, Glidden, Remington, Benson, Johnson.

Lilligren moved that the report be referred back to the Community Development Committee. Seconded.

Adopted upon a voice vote 5/8/2009.

Comm Dev - Your Committee, having under consideration Minneapolis Economic Recovery Strategy/2008 Consolidated Plan Amendment #2 Homeless Prevention and Rapid Re-Housing Program (Recovery Emergency Shelter Grant), now recommends:

- a) Acceptance of public comments on Amendment #2;
- b) That the proper City officers be authorized to further develop the proposed Amendment prior to the U.S. Department of Housing & Urban Development (HUD) submittal, and to submit Amendment #2 to HUD by 5/18/2009; and
- c) That the proper City officers be directed to develop and enter into a Memorandum of Understanding with Hennepin County to implement programming. Adopted 5/8/2009.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Franklin Station Project relating to land acquisition, consideration of the Hiawatha Transit Oriented Development Program set-aside fund request, and redevelopment plan modifications, now recommends approval of land acquisition by the City using TOD Program set-aside and Land Acquisition for Affordable New Development (LAAND) funds, and that the proper City officers be authorized to execute a redevelopment contract with Seward Redesign (or an affiliated entity) and related documents, in accordance with the terms outlined in the Department of Community Planning & Economic Development staff report, and further subject to the following conditions: 1) Allow the principal amount of the first mortgage bank loan to increase to \$1,800,000; 2) Require that both the City's TOD Loan and the HLAF Forgivable Loan be structured as recourse loans to the limited liability company being created to act as the land development entity and borrower; and 3) Require an Assignment of Leases and Rents in addition to a mortgage to secure the City's TOD Loan.

Your Committee further recommends passage of the accompanying resolutions:

- a) appropriating funds in the Department of Community Planning and Economic Development;
- b) approving Modification No. 2 to the Franklin LRT Station Area Redevelopment Plan and Modification No. 113 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan; and
- c) authorizing the borrowing of up to \$500,000 in LAAND funds from the Metropolitan Council for the acquisition of property by the City.

Goodman moved to amend condition one of the report by deleting the figure "1,800,000" and inserting in lieu thereof, "2,200,000." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

(Published 5/12/2009)

RESOLUTION 2009R-184 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) Common Project Reserve Fund (01CPZ-8900320) by \$600,000 from available fund balance:
- b) Increasing the appropriation in the CPED Common Project Uncertified Fund (01CAZ-8900320) by \$600,000; and
- c) Increase the revenue source in the CPED Common Project Uncertified Fund (01CAZ-8900900-382801) by \$600,000.

Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

(Published 5/12/2009)

Resolution 2009R-185, adopting Modification No 2 to the Franklin LRT Station Area Redevelopment Plan and Modification No 113 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-185 By Goodman and Ostrow

Adopting Modification No 2 to the Franklin LRT Station Area Redevelopment Plan and Modification No 113 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

- 1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City") acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").
- 1.2. By Resolution No 2001R-164 duly adopted on April 23, 2001, the City approved the creation of the Franklin LRT Station Area Redevelopment Project and the adoption of the Franklin LRT Station Area Redevelopment Plan, which was further modified by Resolution No 2006R-444 duly adopted on September 1, 2006, all pursuant to the Project Laws.
- 1.3. By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan (the "Common Plans"). The project area established by the Franklin LRT Station Area Redevelopment Plan (the "Project Area") is geographically located within the project area established by the Common Plans (the "Common Project").
- 1.4. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, Modification No 2 to the Franklin LRT Station Area Redevelopment Plan and Modification No 113 to the Common Plans (the "Modifications"), designating 14 parcels as property that may be acquired.
- 1.5. The City has performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood group and the City Planning Commission, transmittal of the proposed Modifications to

the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for review and comment, and the holding of a public hearing after published notice as required by law.

Section 2. Findings for the Adoption of the Modifications

- 2.1. The Council hereby finds, determines and declares that the actions authorized by the Modifications are pursuant to and in accordance with the Project Laws.
- 2.2. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.
- 2.3. The Council further finds, determines and declares that the Modifications will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the project area by private enterprise.
- 2.4. The Council further finds, determines and declares that the Modifications conform to the general plan for the development of the city as a whole. Written comments of the City Planning Commission with respect to the Modifications were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.
- 2.5. The Council further finds, determines and declares that it is necessary and in the best interest of the City at this time to approve the Modifications.

Section 3. Approval of the Modifications

3.1. Based upon the findings set forth in Section 2 hereof, the Modifications presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications

4.1. The officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Modifications, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

Resolution 2009R-186, authorizing the borrowing of up to \$500,000 of funds from The Metropolitan Council's Land Acquisition for Affordable New Development Program in connection with the Franklin Light Rail Transit Station Area Redevelopment Project for acquisition of property, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-186 By Goodman and Ostrow

Authorizing the borrowing of up to \$500,000 of funds from The Metropolitan Council's Land Acquisition for Affordable New Development (LAAND) Program in connection with the Franklin LRT Station Area Redevelopment Project for acquisition of property.

Whereas, pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Section 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Act"); and

 $Whereas, the \ City has \ certain powers, including \ without \ limit at ion the \ powers \ contained \ in \ the \ Act; and$

Whereas, by Resolution No. 2001R-164 duly adopted on April 23, 2001, the City approved the creation of the Franklin LRT Station Area Redevelopment Plan, which was further modified by Resolution No. 2006R-444 duly adopted on September 1, 2006; and

Whereas, by Resolution No. 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan (the "Common Plans"). The project area established by the Franklin LRT Station Area Redevelopment Plan (the "Project Area") is geographically located within the project area established by the Common Plans (the "Common Project"); and

Whereas, concurrent with the approval of this resolution, the City has approved Modification No. 2 to the Franklin LRT Station Area Redevelopment Plan and Modification No. 113 to the Common Plans; and

Whereas, pursuant to the Act, and specifically Section 469.012, subd. 1 o, the City is authorized to acquire real property by purchase and to borrow money or other property from state public bodies; and

Whereas, the City proposes to enter into a Loan Agreement with the Metropolitan Council (the "Met Council") to borrow up to \$500,000 to acquire certain real property located in the Project area upon which, it is intended that affordable housing is to be developed;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City enter into a Loan Agreement with the Metropolitan Council to allow for the City to borrow up to \$500,000 for the purpose of acquiring certain real property in the Project area.

That such Loan shall be interest free, but that under certain circumstances, the City shall be required to pay to the Metropolitan Council a portion of the amount by which the Real Property appreciates.

That the Loan must be paid in full on or before the date the Real Property is sold or construction commences on the Project, whichever occurs first, but in any event, within five years of the Loan closing date.

That such Loan is secured solely with the Real Property.

That the Loan Agreement is hereby approved and documentation thereof shall be executed by the Finance Officer of the City.

Be It Further Resolved that in making the agreements, provisions, covenants and representations contemplated herein, the City has not obligated itself to pay or remit any funds or revenues which are to be applied to payment due to the Metropolitan Council, other than the proceeds derived from the sale of the Real Property.

Be It Further Resolved that this resolution shall be in full force and effect after passage and publication.

Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following reports:

HE&E – Your Committee recommends that the proper City officers be authorized to execute Business Associate Agreements with governmental, community or other entities when required under the federal Health Insurance Portability and Accountability Act (HIPAA) for receipt, use, maintenance, disclosure or creation of protected health information, contingent upon approval of each agreement by the City Attorney's Office.

Further, that the Commissioner of Health, or a designated deputy, be authorized to sign said agreements on behalf of the City.

Adopted 5/8/2009.

HE&E – Your Committee recommends that the proper City officers be authorized to execute internship agreements with the University of St. Thomas and St. Mary's University to provide a clinical counseling practicum experience through the School Based Clinic Program for practicum students enrolled in their Master's Counseling and Psychology and/or Marriage and Family Programs. Agreements will be automatically renewed annually unless discontinued by either party.

Adopted 5/8/2009.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

HE&E & W&M/Budget – Your Committee, having under consideration the 2006 Healthy Homes Demonstration Grant, now recommends that the proper City officers be authorized to execute an amendment to the Master Agreement with Pediatric Home Service to increase the amount for grant-funded services by \$150,000 to provide asthma visits and interventions through December 31, 2009, payable from other grant budget areas that have available funds.

Adopted 5/8/2009.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee, having under consideration litigation relating to the City's adoption of Instant Runoff Voting (IRV) and the staff direction to proceed on a dual track in preparing for the 2009 municipal elections, now recommends that the City formally request that the Minneapolis Charter Commission recommend an amendment of the City Charter, by ordinance, to reinstate the City's primary in the event of an adverse decision from the Minnesota Supreme Court in the case of *Minnesota Voters Alliance*, et al. v. City of Minneapolis, et al.

Adopted 5/8/2009.

Absent - Colvin Roy.

IGR - Your Committee, having under consideration the proposed revisions to the Minneapolis City Charter as recommended by the Minneapolis Charter Commission, and the staff direction to develop a process to facilitate City Council review and analysis of the proposed Charter changes, now recommends approval of the Charter Revision Workgroup Proposal as set forth in Petn No. 273451, as amended.

Adopted 5/8/2009.

Absent - Colvin Roy.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Swanky Entertainment Inc, dba Elixir Lounge, 322 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire April 1, 2010, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

(Published 5/12/2009)

PS&RS - Your Committee recommends passage of the accompanying resolution approving operating conditions relating to the Taxicab Driver's License held by James Huseby, 2419 Grand St NE.

Adopted 5/8/2009.

Resolution 2009R-187, approving operating conditions relating to the Taxicab Driver's License held by James Huseby, 2419 Grand St NE, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-187 By Samuels

Approving operating conditions relating to the Taxicab Driver's License held by James Huseby, 2419 Grand St NE.

Resolved by The City Council of The City of Minneapolis:

That the following actions are required from Mr. James Huseby in order for him to continue to hold a Minneapolis Taxi Driver's License:

- 1. Mr. Huseby will complete a City-approved anger management course within 60 days of the signing of the agreement. Written proof of this completion shall be submitted to the Minneapolis Business Licensing Division within 10 days of completion to be kept in Mr. Huseby's file.
- 2. Mr. Huseby shall limit calls to any City of Minneapolis employee, department or other representative to one call per day, or relay his concerns through his service company. Mr. Huseby also agrees to abide to a previous request from elected officials to cease and desist calling them or their staff. All communication to elected officials from Mr. Huseby will only be in writing.

Adopted 5/8/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Sam's Wine and Spirits, 218 Washington Av N, for an Off-Sale Liquor License, subject to conditions.

Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

(Published 5/12/2009)

Resolution 2009R-188, granting the application of Sam's Wine and Spirits, 218 Washington Av N, for an Off-Sale Liquor License, subject to conditions, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-188 By Samuels

Granting the application of Sam's Wine and Spirits, 218 Washington Av N, for an Off-Sale Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Washington Avenue

Liquors LLC, dba Sam's Wine and Spirits, 218 Washington Av N, for an Off-Sale Liquor License (new business) to expire April 1, 2010, subject to the following conditions:

- 1. The business will not sell beer in singles unless the container holds more than 16 ounces.
- 2. The business will not sell wine or distilled spirits in quantities of 100 ml or less.
- 3. final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of DJ's Stump Removal, 6033 Dague Av SE, Delano, for a Tree Servicing License, subject to conditions.

Adopted 5/8/2009.

Resolution 2009R-189, granting the application of DJ's Stump Removal, 6033 Dague Av SE, Delano, for a Tree Servicing License, subject to conditions, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-189 By Samuels

Granting the application of DJ's Stump Removal, 6033 Dague Av SE, Delano, for a Tree Servicing License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by DJ's Stump Removal, dba DJ's Stump Removal, 6033 Dague Av SE, Delano, for a Tree Servicing License to expire February 1, 2010, subject to the following conditions:

- 1. The licensee tree service business shall be limited to stump grinding and area clean up only. The licensee does not have a Certified Arborist and is restricted from any other type of tree service activities. The licensee must also comply with other requirements of tree service license.
 - 2. final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 5/8/2009.
- **PS&RS** Your Committee recommends passage of the accompanying resolution granting the application of La Belle Crepe, 825 Nicollet Mall, for a Sidewalk Cafe License, subject to conditions. Goodman moved that the Resolution be amended by deleting Condition #2 in the Resolved Clause, as follows:
- 2. The licensee agrees that City Council action at its April 29, 2009 Public Safety & Regulatory Services hearing is contingent on the review and approval of the sidewalk cafe application and plan at the Nicollet Mall Advisory Board Meeting to be held May 14, 2009 at the Minneapolis Downtown Council Offices. Seconded.

Adopted upon a voice vote. The report was adopted 5/8/2009. Approved by Mayor Rybak 5/8/2009. (Published 5/12/2009)

Resolution 2009R-190, granting the application of La Belle Crepe, 825 Nicollet Mall, for a Sidewalk Cafe License, subject to conditions, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-190 By Samuels

Granting the application of La Belle Crepe, 825 Nicollet Mall, for a Sidewalk Cafe License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Mes Enfants LLC, dba La Belle Crepe, 825 Nicollet Mall, for a Sidewalk Cafe License (new business) to expire April 1, 2010, subject to the following conditions:

- 1. The licensee agrees to pay all previously agreed upon SAC charges in full by July 31, 2009.
- 2. final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 5/8/2009.

Resolution 2009R-191, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-191 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273452):

Off-Sale Liquor, to expire October 1, 2010

Team Liquor Inc, dba Team Liquor Wine Spirits, 19 S 7th St

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2010

701 Ventures Inc, dba First Avenue, 29 N 7th St, 7th St Entrance (amended business plan)

On-Sale Liquor Class A with Sunday Sales, to expire May 24, 2009

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (temporary expansion of premises May 23 & 24, 2009; Saturday 7:00 p.m. to 2:30 a.m.; and Sunday 4:00 p.m. to 2:30 a.m.)

On-Sale Liquor Class A with Sunday Sales, to expire June 28, 2009

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (temporary expansion of premises June 26 & 28, 2009, Gay Pride Weekend; Friday 4:00 p.m. to 2:30 a.m.; Saturday 5:00 p.m. to 2:30 a.m.; and Sunday 4:00 p.m. to 2:30 a.m.)

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2010

Lush LLC, dba Lush, 990 Central Av NE (new business)

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2009

Slainte LLC, dba The Melting Pot, 80 S 9th St

Temporary On-Sale Liquor

St. Paul Jaycees, dba St. Paul Jaycees, 401 Robert St, Suite 150, St. Paul (Fundraiser May 30, 2009, 5:00 p.m. to 9:00 p.m. in parking lot at 41 S 10th St)

Basilica of St. Mary, dba Basilica, 88 17th St N (Basilica Block Party July 10 – 12, 2009; Friday and Saturday 5:00 p.m. to 10:30 p.m.; and Sunday 10:30 a.m. to 3:00 p.m.)

On-Sale Wine Class A with Strong Beer, to expire May 17, 2009

Ballet of the Dolls Inc, dba Ballet of the Dolls, 345 13th Av NE (Art-A-Whirl

May 15 – 17, 2009, Noon to Midnight at 345 13th Av NE)

On-Sale Wine Class A with Strong Beer, to expire May 20, 2009

Ballet of the Dolls Inc, dba Ballet of the Dolls, 345 13th Av NE (Pride

June 18 – 20, 2009, Noon to Midnight at 345 13th Av NE)

On-Sale Wine Class A with Strong Beer, to expire June 28, 2009

Ballet of the Dolls Inc, dba Ballet of the Dolls, 345 13th Av NE (Pride II

June 26 – 28, 2009, Noon to Midnight at 345 13th Av NE)

On-Sale Wine Class A with Strong Beer, to expire July 25, 2009

Ballet of the Dolls Inc, dba Ballet of the Dolls, 345 13th Av NE (Beard Lady

July 25, 2009, Noon to Midnight at 345 13th Av NE)

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2010

La Poblanita Inc, dba La Poblanita Restaurant, 1621 E Lake St

Wagner Bros LLC, dba North East Social Club, 355 13th Av NE

On-Sale Wine Class D with Strong Beer, to expire April 1, 2010

The Anchor Fish & Chips LLC, dba The Anchor, 302 13th Av NE (new business)

What Rob Wants Inc, dba Chris & Robs Chicagos Taste Authority, 3101 E 42nd St

On-Sale Wine Class E with Strong Beer, to expire April 1, 2010

Boughatsa Inc, dba Gardens of Salonica New Greek Cafe, 195th St NE

Off-Sale Beer, to expire April 1, 2010

Aldi Inc, dba Aldi Foods #67, 1311 E Franklin Av

Aldi Inc, dba Aldi Foods #72, 2100 E Lake St #101

LMN Inc, dba More Value Foods, 2747 Bloomington Av

Aldi Inc, dba Aldi Foods #68, 3120 Penn Av N

Holiday Stationstores Inc, dba Holiday Stationstore #25, 5444 Nicollet Av

Temporary On-Sale Beer

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (School fundraiser May 16, 2009, 5:30 p.m. to Midnight).

Adopted 5/8/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 5/8/2009.

Resolution 2009R-192, granting applications for Business Licenses, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-192 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of

May 8,2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273452):

Bowling Alley; Caterers; Confectionery; Food Distributor; Food Market Distributor; Farm Produce Permit Non-Profit; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Drive In Restricted; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Wholesale Sausage Manufacturer & Distributor; Pet Shop; Plumber; Public Market; Rental Halls; Sign Hanger; Swimming Pool – Public; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle-Fuel Efficient; Taxicab Vehicle-Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; Wrecker of Buildings Class B.

Adopted 5/8/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 5/8/2009.

Resolution 2009R-193, granting applications for Gambling Licenses, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-193 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273452):

Gambling Exempt

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle April 1, 2009 at Holy Rosary Church)

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle May 16, 2009) The Friends of the Basilica of St. Mary, dba The Friends of the Basilica of St. Mary, PO Box 50070 (Raffle May 16, 2009 at the Depot Minneapolis-A Renaissance Hotel, 225 S 3rd Av)

Minnesota Organization on Fetal Alcohol Syndrome, dba Minnesota Organization on Fetal Alcohol Syndrome, 1885 University Av Suite 395, St. Paul (Raffle May 17, 2009 at Solera Restaurant, 900 Hennepin Av)

Accessibility Inc, dba Accessibility Inc, 360 Hoover St NE (Raffle June 15, 2009). Adopted 5/8/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by James M. Price III for the property located at 4007 Emerson Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to delinquent assessments on the rental property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference. Adopted 5/8/2009.

PS&RS – Your Committee, having under consideration the property located at 1803 Emerson Av N, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 5/8/2009.

PS&RS – Your Committee, having under consideration the property located at 2214 Penn Av N, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 5/8/2009.

PS&RS – Your Committee, having under consideration the property located at 2819 Bloomington Av S; and the Inspections Division having determined that the property meets the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances by issuing a notice of the Director's Order to Demolish the property; and hearings having been held by the Nuisance Condition Process Review Panel, now recommends that said Order be sent forward without recommendation.

Schiff moved that the report be amended by deleting the language "that said Order be sent forward without recommendation" and inserting in lieu thereof "approval of the draft restoration agreement for 2819 Bloomington Avenue South, contingent on the submission by the property owner of a landscaping and graffiti prevention plan by June 1, 2009, that includes planting ivy or other clinging vines on the south wall of the garage". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/8/2009.

PS&RS – Your Committee, having under consideration the following properties which have been determined by the Inspections Division to meet the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Director's Order to Demolish the properties having been issued; and hearings having been held by the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel to uphold the staff recommendation to demolish said properties:

- a. 1714 Hillside Avenue North.
- b. 1105 East 28th Street.

Your Committee further recommends approval of the Findings of Fact, Conclusions and Recommendations, which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 5/8/2009.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting the donation of an aluminum post stand to be used by the Police Department in the disarming of bombs.

Adopted 5/8/2009.

RESOLUTION 2009R-194 By Samuels

Accepting the donation of an aluminum post stand to be used by the Police Department in the disarming of bombs.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of an aluminum post stand from Dr. Frederick W. Nolting, D.D.S., valued at \$600, onto which would be mounted a disrupter system used to disarm bombs.

Adopted 5/8/2009.

PS&RS & W&M/Budget – Your Committee, having under consideration the low bid received on OP #7090 submitted by Castrejon, Inc., for an estimated annual expenditure of \$300,000, to furnish and deliver all labor, materials, equipment and incidentals necessary for the securing of vacant and open buildings (non-emergency), including any accessory buildings on the legally defined lot thereto as directed by the Inspections Division, now recommends the following:

PS&RS – that the low bid be accepted.

W&M/Budget – that the low bid be accepted. Further, that Fire Department staff be directed to return to the Ways & Means/Budget Committee at it's August 10, 2009 meeting with a report on the new commercial inspection program and with a plan on how the Fire Department would implement taking over the vacant and boarded service mid-year 2010.

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/8/2009.

PS&RS & W&M/Budget – Your Committee, having under consideration the low bid received on OP #7089 submitted by Neighbor Serve, Inc., for an estimated annual expenditure of \$400,000, to furnish and deliver all labor, materials, equipment and incidentals necessary for the securing of vacant and open buildings (emergency), including any accessory buildings on the legally defined lot thereto as directed by the Inspections Division, now recommends the following:

PS&RS - that the low bid be accepted.

W&M/Budget – that the low bid be accepted. Further, that Fire Department staff be directed to return to the Ways & Means/Budget Committee at it's August 10, 2009 meeting with a report on the new commercial inspection program and with a plan on how the Fire Department would implement taking over the vacant and boarded service mid-year 2010.

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/8/2009.

PS&RS & W&M/Budget – Your Committee recommends acceptance of low bid received on OP #7136 submitted by Doboszenski and Sons Inc, for an estimated annual expenditure of \$115,970, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition of the following ten structures as directed by the Department of Regulatory Services:

- 1. 1406 Fremont Avenue North
- 2. 2130 6th Street North
- 3. 2440 16th Avenue South
- 4. 2510 14th Avenue South
- 5. 2807 Emerson Avenue North
- 6. 301 30th Avenue North
- 7. 3315 6th Street North
- 8. 3411-13 Chicago Avenue South
- 9. 418 23rd Avenue North
- 10. 4615 Aldrich Avenue North.

Adopted 5/8/2009.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit an application seeking a Fiscal Year 2009 Assistance to Firefighters Grant in the amount of \$130,000 from the United States Department of Homeland Security to replace two self contained breathing apparatus filling air compressor systems.

Adopted 5/8/2009.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the solicitation of donations by Minneapolis Animal Care & Control for the purpose of funding activities related to animal care and to supplement educational/outreach efforts.

Adopted 5/8/2009.

Resolution 2009R-195, authorizing the solicitation of donations by Minneapolis Animal Care & Control for the purpose of funding activities related to animal care and to supplement educational/outreach efforts, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-195 By Schiff and Goodman

Authorizing the solicitation of donations by Minneapolis Animal Care & Control for the purpose of funding activities related to animal care and to supplement educational/outreach efforts.

Whereas, the Minneapolis Ethics in Government Code was amended (2007-Or-066, § 2, 8-31-07) to permit solicitation for city purposes if pre-approved by the City Council; and

Whereas, Animal Care & Control provides high quality services to city residents and responds to over 16,000 requests for service dealing with domestic animals and wildlife each year; and

Whereas, Animal Care & Control rescues injured animals and strays, investigates animal bites, declares dangerous animals, and works to prevent dog fighting and animal cruelty to protect the public's health and safety; and

Whereas, Animal Care & Control impounds over 3,700 animal annually, adopts close to 500 animals a year, works with rescue organizations, treats sick and injured animals, and returns lost pets to their owners; and

Whereas, Animal Care & Control's expenses largely exceed its revenue; and

Whereas, Animal Care & Control is in need of additional resources to expand animal care services, education and outreach; and

Whereas, community donations are needed to fund these additional services; and

Whereas, despite the public benefits, gifts offered to the City must be scrutinized to assure that they do not raise conflict of interest problems, special treatment concerns, or other ethical issues;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That solicitations for monetary donations to be used for additional resources, services, education programs and outreach by Minneapolis Animal Care & Control may be conducted under the following conditions:

- a. Solicitations shall only be made by elected officials, the Assistant City Coordinator Emergency Preparedness and Regulatory Services or their designees.
- b. The names of designees created by an individual City Council Member, the City Council, or the Mayor shall at the time of designation be filed with the City Clerk.
- c. An elected official or designee shall not solicit any gift to the City under circumstances that in fact or in appearance rewards, influences, or tends to impair the judgment of any elected local official, appointed local official or employee in the performance of the official's or employee's official duties or provides special consideration, treatment, advantage, privilege, or exemption for or coerces a potential donor.
 - d. No gift from an anonymous donor shall be solicited under any circumstance.
- e. No gift shall be solicited from a lobbyist or principal as defined by Minnesota Statutes, Section 10A.01 and Minneapolis Code of Ordinances, Section 15.280.
- f. No gift shall be solicited from an interested person as defined by Minnesota Statutes, Section 371.895 and Minneapolis Code of Ordinances, Section 15.280. Additionally, no gift shall be solicited from vendors, contractors, entities or individuals who currently have or have had contracts or submitted proposals or bids within the last 12 months or vendors, contractors, entities or individuals reasonably anticipated to have business with the City within the next 3 months.
- g. No gift shall be solicited from a person or entity that is actively promoting or opposing city legislation or has a matter pending before a City department, board or commission.

Be It Further Resolved that a solicitation request to the general public, rather than selected individuals or businesses, shall be posted on the City of Minneapolis website and the Minneapolis Public Access television channel and in a press release. The solicitation requests to the general public shall inform the public that government action regarding the donor will not be affected by whether or not a contribution is made and acceptance of a donation will not state or imply the endorsement of the City of any product, service or entity.

Be It Further Resolved that upon a successful solicitation, the solicitor shall promptly notify the prospective donor in writing that the gift is subject to acceptance by the City Council, that government action regarding the donor will not be affected by such contribution and that acceptance of a donation will not state or imply the endorsement of the City of any product, service or entity.

Be It Further Resolved that the City of Minneapolis Ethics Officer shall prepare a form to be used for the successful solicitation letter.

Adopted 5/8/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the subject matter of federal grant funds available for transportation electrification projects as part of the American Recovery and Reinvestment Act and a request by staff that the proper City officers be authorized to submit a letter of support to Ford Motor Company for their application to the United States Department of Energy for a Transportation Electrification Grant, now recommends that said request be **sent forward without recommendation**.

Colvin Roy moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/8/2009.

T&PW - Your Committee, having under consideration the City of Minneapolis and Minneapolis Park and Recreation Board Annual National Pollutant Discharge Elimination System (NPDES) Report on 2009 Minneapolis Stormwater Management Program and 2008 Activities, as set forth in Petn No 273463, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the report as the City's Stormwater Management Plan, pursuant to Chapter 2, Section 14, of the City of Minneapolis National Pollutant Discharge Elimination System Permit #MN0061018.

Adopted 5/8/2009.

Resolution 2009R-196, adopting the Annual National Pollutant Discharge Elimination System (NPDES) Report on 2009 Minneapolis Stormwater Management Program and 2008 Activities, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-196 By Colvin Roy

Adopting the Annual National Pollutant Discharge Elimination System (NPDES) Report on 2009 Minneapolis Stormwater Management Program and 2008 Activities.

Whereas, the City of Minneapolis is committed to improving the water quality in the lakes, wetlands, streams and Mississippi River; and

Whereas, on December 1, 2000, the City of Minneapolis was issued National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit #MN0061018 (Permit); and Whereas, as required under the Permit, a public hearing was held on April 28, 2009; and

Whereas, the Annual NPDES Report on 2009 Minneapolis Stormwater Management Program and 2008 Activities will now be submitted to the Minnesota Pollution Control Agency;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council hereby adopts the Annual NPDES Report on 2009 Minneapolis Stormwater Management Program and 2008 Activities as the City's Stormwater Management Plan. Adopted 5/8/2009.

T&PW - Your Committee, having under consideration the special assessment deferment application (Senior Citizen) submitted by Lotte Seidler to defer the following assessment:

Special assessment (Levy 01028, Project 09WTR) for water service line repair in

the principal amount of \$5,445.00 for payable 2009 and subsequent years;

on the property located at 1611 - 37th St E, PID 02-028-24-44-0115, legally described as the E 45 5/10 ft of Lot 30, Block 4, Bidleman's Addition to Minneapolis, now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and City Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 5/8/2009.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 44th St W Street Resurfacing Project, Special Improvement of Existing Street No 5199.

Adopted 5/8/2009.

Resolution 2009R-197, designating the locations and streets to be improved in the 44th St W Street Resurfacing Project No 5199, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-197 By Colvin Roy

2009 STREET RESURFACING PROGRAM

44TH ST W STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5199

Designating the improvement of certain existing streets in the 2009 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

44th St W from France Ave S to Upton Ave S.

Adopted 5/8/2009.

T&PW - Your Committee, having received a cost estimate of \$256,620 for street resurfacing improvements and a list of benefited properties for certain locations in the 44th St W Street Resurfacing Project, Special Improvement of Existing Street No 5199 as designated by Resolution 2009R-197, passed May 8, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2009 Uniform Assessment Rates as per Resolution 2008R-571, passed December 12, 2008.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on June 2, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/8/2009.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 7th St N Street Resurfacing Project, Special Improvement of Existing Street No 5200.

Adopted 5/8/2009.

Resolution 2009R-198, designating the locations and streets to be improved in the 7th St N Street Resurfacing Project No 5200, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-198 By Colvin Roy

2009 STREET RESURFACING PROGRAM

7TH STN STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5200

Designating the improvement of certain existing streets in the 2009 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

7th St N from 6th Ave N (Olson Memorial Hwy) to approximately 200 feet east of Van White Memorial Blvd.

Adopted 5/8/2009.

T&PW - Your Committee, having received a cost estimate of \$416,556 for street resurfacing improvements and a list of benefited properties for certain locations in the 7th St North Street Resurfacing Project, Special Improvement of Existing Street No 5200 as designated by Resolution 2009R-198, passed May 8, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2009 Uniform Assessment Rates as per Resolution 2008R-571, passed December 12, 2008.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on June 2, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/8/2009.

T&PW - Your Committee recommends passage of the accompanying resolutions designating the locations and streets to be improved in the Xerxes Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5203.

Adopted 5/8/2009.

Resolution 2009R-199, designating the locations and streets to be improved in the Xerxes Ave S Street Resurfacing Project No 5203, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-199 By Colvin Roy

2009 STREET RESURFACING PROGRAM

XERXES AVE S STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5203

Designating the improvement of certain existing streets in the 2009 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Xerxes Ave S from 50th St W to W Lake Calhoun Pkwy. Adopted 5/8/2009.

T&PW - Your Committee, having received a cost estimate of \$565,608 for street resurfacing improvements and a list of benefited properties for certain locations in the Xerxes Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5203 as designated by Resolution 2009R-199, passed May 8, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2009 Uniform Assessment Rates as per Resolution 2008R-571, passed December 12, 2008.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on June 2, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/8/2009.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 38th St E Street Resurfacing Project, Special Improvement of Existing Street No 5196.

Adopted 5/8/2009.

Resolution 2009R-200, designating the locations and streets to be improved in the 38th St E Street Resurfacing Project No 5196, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-200 By Colvin Roy

2009 STREET RESURFACING PROGRAM

38TH STE STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5196

Designating the improvement of certain existing streets in the 2009 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

38th St E from Nicollet Ave to Chicago Ave.

Adopted 5/8/2009.

T&PW - Your Committee, having received a cost estimate of \$319,600 for street resurfacing improvements and a list of benefited properties for certain locations in the 38th St E Street Resurfacing Project, Special Improvement of Existing Street No 5196 as designated by Resolution 2009R-200, passed May 8, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2009 Uniform Assessment Rates as per Resolution 2008R-571, passed December 12, 2008.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on June 16, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/8/2009.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Thomas Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5195, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements for the project. Adopted 5/8/2009.

Resolution 2009R-201, ordering the work to proceed and adopting the special assessments for the Thomas Ave N Street Resurfacing Project No 5195, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-201 By Colvin Roy and Ostrow

2009 STREET RESURFACING PROGRAM

THOMAS AVEN STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5195

Ordering the work to proceed and adopting the special assessments for the Thomas Ave N Project.

Whereas, a public hearing was held on April 28, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-082, passed March 6, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be it Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-082, passed March 6, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$102,471.43 for the Thomas Ave N area, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Adopted 5/8/2009.

Resolution 2009R-202, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the Thomas Ave N Street Resurfacing Project No 5195, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-202 By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$102,470 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Thomas Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5195, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes. Adopted 5/8/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the contract with Hawkins, Inc. (OP 6981) to provide sodium permanganate to the Public Works Water Department, now recommends that the proper City officers be authorized to increase the contract by \$300,000, for a revised estimated annual expenditure of \$700,000, due to greater than anticipated usage.

Adopted 5/8/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to expend \$50,000 from the Parking Fund (04100-600100-507007) for 2009 City of Minneapolis participation in the Minneapolis-Duluth/Superior Passenger Rail Alliance Board for the development of the Northern Lights Express.

Adopted 5/8/2009.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to accept the donation of 26 bicycles from Bikes Belong, a national bicycle advocacy organization.

Your Committee further recommends that no more than 12 of the bicycles be utilized for the Bike Walk Ambassadors Program, with up to 6 being used as prize giveaways for Bike Walk to Work Day.

Further, that the proper City officers explore the possibility of utilizing the remaining bicycles as a City bicycle fleet for employee use, and return to the Transportation & Public Works Committee with a potential plan for a City bicycle fleet.

Adopted 5/8/2009.

Resolution 2009R-203, authorizing the Department of Public Works to accept the donation of 26 bicycles, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-203 By Colvin Roy and Ostrow

Authorizing the Department of Public Works to accept the donation of 26 bicycles.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of 26 bicycles from Bikes Belong, valued at \$7,250, to be used for the Bike Walk Ambassador Program and as part of a potential City bicycle fleet.

Adopted 5/8/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and enter into three separate 20-year agreements for the sale of water to the Metropolitan Airports Commission, the city of Edina, and the city of Hilltop. (Petn No 273464) Adopted 5/8/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the 18th Ave NE Bikeway Project, Phase II, now recommends:

- a) Passage of the accompanying resolution increasing the appropriation for the project by \$1,000,000, to be reimbursed from federal funds;
- b) That the proper City officers be authorized to negotiate with Burlington Northern Santa Fe Railway to execute an agreement for the acquisition of permanent trail easements; and
- c) That the proper City officers be authorized to execute the required documents to acquire permanent trial easements from 1700 2nd St NE (East Side Neighborhood Services) and 1800 2nd St NE (A Chance to Grow, Inc.).

Adopted 5/8/2009.

RESOLUTION 2009R-204 By Colvin Roy and Ostrow

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Commuter Bike Capital Fund (4100-9010943-321000-CBIK04) by \$1,000,000 to be reimbursed by federal funds.

Adopted 5/8/2009.

- **T&PW & W&M/Budget** Your Committee, having under consideration the re-bid for the modernization of elevators for the Public Works Traffic and Parking Division, now recommends:
- a) Acceptance of the low bid of Kone, Inc. (OP 7117), in the amount of \$445,300, to furnish and deliver all labor, materials, and incidentals necessary to accomplish the modernization of elevators for the City of Minneapolis Public Works Traffic and Parking Division and execution of a contract for said project, all in accordance with specifications prepared by Lerch and Bates;
- b) That project funding be provided through Ramp Capital RMP01, with bonds repaid by Convention Center sales tax proceeds; and
- c) Passage of the accompanying resolution increasing the appropriation for the project by \$445,300.

Adopted 5/8/2009.

RESOLUTION 2009R-205 By Colvin Roy and Ostrow

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Municipal Parking-Enterprise Fund (07500-9010946-507007 - Project CRP801ORCHESTRA-TC775) by \$445,300, with bonds repaid by Convention Center sales tax proceeds. Adopted 5/8/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase Contract C-22715 (OP 6522) with Don Harstad Company by \$780,000, for a revised estimated expenditure of \$4,045,862, for parking ramp revenue control equipment necessary to allow credit card payment options and automation of ramp revenue control activities at the Plaza Municipal Parking Facility. All terms, conditions, and unit pricing will follow the price agreement of the original proposal.

Your Committee further recommends that funding be provided through Ramp Capital RMP01, with bonds repaid by Convention Center sales tax proceeds.

Further, passage of the accompanying resolution increasing the appropriation for the project by \$780,000.

Adopted 5/8/2009.

RESOLUTION 2009R-206 By Colvin Roy and Ostrow

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Municipal Parking-Enterprise Fund (07500-9010946-507007 - Project CRMPAUTOPLAZA - TC775) by \$780,000, with bonds repaid by Convention Center sales tax proceeds.

Adopted 5/8/2009.

- **T&PW & W&M/Budget** Your Committee recommends acceptance of the following bids submitted to the Public Works Department:
- a) OP 7042, Accept bid of MacQueen Equipment, Inc., for an estimated expenditure of \$69,108.52, to furnish and deliver a cart lifting system for the City of Minneapolis, Public Works Solid Waste and Recycling Division; and
- b) OP 7116, Accept low bid of Veit and Company, for an estimated expenditure of \$992,848.58, to furnish and deliver all labor, equipment, and incidentals necessary to accomplish the removals, storm sewer, and grading on Chicago Ave for the Public Works Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 5/8/2009.

Approved by Mayor Rybak 5/8/2009.

(Published 5/12/2009)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 5/8/2009.

Resolution 2009R-207, authorizing settlement of *Juan Carlos Paute v. City of Minneapolis*, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-207 By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Juan Carlos Paute v. City of Minneapolis*, by payment of \$9,000 to Juan Carlos Paute, and his attorney, Robichaud & Anderson, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 5/8/2009.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to purchase additional Mobile Data Computers under OP #6874 from Hubb Systems, LLC d/b/a Data 911 in the amount \$136,000, increasing the expenditure to \$536,000 in 2009. Funded by federal grant received by the Minneapolis Police Department.

Adopted 5/8/2009.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-25200 by \$87,666 for an increase in scope to expand the City's virtual server hosting capacity. Funded with existing CLIC funds allocated to Business Information Services (BIS).

Adopted 5/8/2009.

W&M/Budget - Your Committee recommends approval of the June 2009 utility billing insert on behalf of the 9th Ward Office regarding legal and illegal fireworks in Minneapolis.

Your Committee further recommends that the cost of the insert, in the amount of 3,125 be paid from the Police, Fire and 911/311 Departmental budgets.

Adopted 5/8/2009.

W&M/Budget - Your Committee, having under consideration the following Empowerment Zone recommendation related to the Neighborhood Development Center capital improvement project, Great Neighborhoods! Development Corporation Broadway Athletic Center project, and the North End Hardware structural improvement project, now recommends the following:

- a) Acceptance of grant funds in the amount of \$264,600 from the U.S. Housing and Urban Development (HUD); and
- b) Passage of the accompanying resolution appropriating \$264,600 to the Department of Community Planning and Economic Development.

Adopted 5/8/2009.

RESOLUTION 2009R-208 By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) Federal Fund (01300-8900120) by \$264,600; and
 - b) Increasing the revenue source in CPED Federal Fund (01300-8900120-321008) by \$264,600. Adopted 5/8/2009.

W&M/Budget - Your Committee recommends that the proper City officers in the City's Treasury Division be authorized to issue a Request for Proposals (RFP) for Banking and Custodial services, as set forth in Petn No 273469.

Adopted 5/8/2009.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of SYN, LLC, for a waiver from Interim Ordinance 2008-Or-084, providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east (passed 11/7/2008), to permit application for construction of a principal parking facility at 3028 Cedar Avenue S, now recommends that said waiver be denied, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 5/8/2009.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Jasper and Shelia Rajendren (BZZ-4321) to rezone the property at 2500 Fifth Street NE, including 415 Lowry Avenue NE, from R2B to the C1 District to permit a restaurant and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 5/8/2009.

ORDINANCE 2009-Or-038
By Schiff
1st & 2nd Readings: 5/8/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 1, Block 2, Phillips Addition to Minneapolis, Hennepin County, Minnesota (2500 5th Street NE and 415 Lowry Avenue NE - Plate 9) to the C1 District.

Adopted 5/8/2009.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Church of St. Helena to vacate the public alley bounded by 32nd Avenue S and 33rd Avenue S, and 43rd Street E and 44th Street E (#1557), subject to retention of easement rights by Xcel Energy and Qwest, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said public alley.

Adopted 5/8/2009.

Resolution 2009R-209, vacating a public alley between 32nd and 33rd Aves S, and 43rd and 44th Sts E, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-209 By Schiff

Vacating all of the public alley in Block 6, Deans South Park Addition to Minneapolis. (Vacation File No. 1557).

Resolved by The City Council of The City of Minneapolis:

That all of the alley as platted in Block 6, Dean's South Park Addition to Minneapolis, located north of a line extended west from the south line of Lot 10, Block 6, said Addition, and south of a line extended west from the north line of Lot 1, Block 6, said Addition; and,

The south 14.00 feet of Lot 21, Block 6, in Dean's South Park Addition to Minneapolis, and also all that part of said Lot 21 described as follows: Commencing at a point in the east line of said Lot 21 distant 19.00 feet north of the southeast corner of said Lot and running thence south 5.00 feet; thence west parallel with the south line of said Lot 5.00 feet; thence northeasterly in a straight line to the point of beginning, all according to Deed Document No. 1329110, as recorded in Book 1095 of Deeds, Page 197; and, the plat of said Deans' South Park Addition to Minneapolis, on file at the Hennepin County Recorders office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion of the aforedescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: A utility easement in favor of Northern States Power Company, a Minnesota corporation d.b.a. Xcel Energy, under and across the west 10 feet of that part of the alley subject to this action, lying north of the westerly extension of the south line of Lot 8, Block 6, DEANS SOUTH PARK ADDITION TO MINNEAPOLIS.

As to Qwest: A utility easement in favor of Qwest Communications on all that part of the alley located north of a line as extended west from the south line of Lot 5, Block 6, DEANS SOUTH PARK ADDITION TO MINNEAPOLIS, and south of a line as extended west from the north line of Lot 1, Block 6, of said Addition.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 5/8/2009.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code, Zoning Districts and Maps,* affecting the primary and overlay zoning districts contained in Plates 33 and 34, now concurs in the recommendation of the City Planning Commission that the related findings be adopted, with an amendment to section 1 of the CPC recommendation, striking the Pedestrian Oriented (PO) Overlay District from 4737 Minnehaha Avenue and 4740 Minnehaha Avenue, and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the additional finding that obtaining consent from individual property owners would be impractical be adopted.

Adopted 5/8/2009.

Ordinance 2009-Or-039 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, regarding changing the zoning districts for parcels in the 46th Street Light Rail Transit station area, was adopted 5/8/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-039
By Schiff
Intro & 1st Reading: 4/2/2004
Ref to: Z&P
2nd Reading: 5/8/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning districts for the parcels of land listed below and identified on Zoning District Plates 33 and 34 (46th Street Light Rail Transit station area), pursuant to MS 462.357:

PID	Address	Existing Primary Zoning	Existing Overlay Zoning	New Primary Zoning	New Overlay Zoning
		J	· ·	J	
0702823310039	3501 42ND ST E	I 1	PO	l1	IL
0702823310038	3505 42ND ST E	l1	PO	l1	IL
0702823310037	3509 42ND ST E	l1	PO	l1	IL
0702823310036	3515 42ND ST E	I 1	PO	I 1	IL
0702823310035	3517 42ND ST E	I 1	PO	I 1	IL
0702823310149	3520 43RD ST E	I 1	PO	I 1	IL
0702823340132	3602 45TH ST E	I 1	PO	I 1	IL/PO
0702823340034	3603 44TH ST E	I 1	PO	R5	PO
0702823340042	3800 46TH ST E	I 1	PO	OR2	PO
0702823340122	3800 1/2 46TH ST E	C2	PO	C3A	PO
1802823120088	3813 46TH ST E	I 1	PO	C3A	PO
0702823430076	3910 46TH ST E	R1A	PO	C1	PO
1802823120085	3939 46TH ST E	I 1	PO	C3A	PO
1802823120086	3941 46TH ST E	I 1	PO	C3A	PO
1802823120082	4010 NAWADAHA BLVD	C2	PO	C3A	PO
0702823310040	4212 DIGHT AVE	I 1	PO	I 1	IL
0702823310041	4216 DIGHT AVE	I 1	PO	I 1	IL
0702823310042	4216 1/2 DIGHT AVE	I 1	PO	I 1	IL

0702022240042	4222 DIGHT AVE	I1	PO	I 1	п
0702823310043 0702823310044	4224 DIGHT AVE	11 11	PO	11 11	IL IL
0702823310044	4224 DIGHT AVE 4225 HIAWATHA AVF	11 11	PO	11 11	IL IL
0702823310147	4234 DIGHT AVE	11 11	PO	11 11	IL IL
0702823310146	4234 DIGHT AVE		PO		
0.020200.00.0		11	_	l1	IL "
0702823310076	4242 DIGHT AVE	11	PO	11	IL "
0702823310077	4246 DIGHT AVE	11	PO	l1	IL "
0702823310143	4251 HIAWATHA AVE	11	PO	l1	IL (DC
0702823310146	4311 HIAWATHA AVE	l1	PO	l1	IL/PO
0702823340015	4401 HIAWATHA AVE	11	PO	l1	IL/PO
0702823340050	4412 1/2 SNELLING AVE	l1	PO	R5	PO
0702823340118	4439 HIAWATHA AVE	11	PO	I1	IL/PO
0702823340121	4444 1/2 SNELLING AVE	R1A/I1	PO	R5	PO
0702823340134	4501 HIAWATHA AVE	l1	PO	OR2	PO
0702823340141	4525 HIAWATHA AVE	l1	PO	OR2	PO
0702823340135	4544 36TH AVE S	R1A	PO	C2	PO
0702823340142	4547 HIAWATHA AVE	C2	PO	C3A	PO
0702823430153	4553 MINNEHAHA AVE	R2B		C1	PO
0702823430195	4555 SNELLING AVE	R1A	PO	C1	PO
0702823340056	4558 HIAWATHA AVE	R1A	PO	C2	PO
0702823430194	4559 SNELLING AVE	R1A	PO	C1	PO
0702823430154	4561 MINNEHAHA AVE	R2B/C1	PO	C1	PO
1802823120084	4603 1/2 HIAWATHA AVE	C2	PO	C3A	PO
1802823120046	4604 MINNEHAHA AVE	C1	PO	C3A	PO
1802823120073	4605 HIAWATHA AVE	C2	PO	C3A	PO
1802823120047	4612 MINNEHAHA AVE	R2B		C3A	PO
1802823120080	4641 HIAWATHA AVE	C2	PO	C3A	PO
1802823120081	4701 HIAWATHA AVE	C2	PO	C3A	PO
1802823120027	4737 MINNEHAHA AVE	C1		C1	
1802823120065	4740 MINNEHAHA AVE	C2		C3A	

Section 2. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning districts for the described parcels of land listed below and identified on Zoning District Plates 33 and 34 (46th Street Light Rail Transit station area), pursuant to MS 462.357:

Description	Existing Primary Zoning	Existing Overlay Zoning	New Primary Zoning	New Overlay Zoning
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, Block 5, Hiawatha Park Addition to Minneapolis	R1A	PO	C2	РО
That portion of vacated 36th Avenue South between the centerlines of 45th Street East and 46th Street East	R1A	PO	C2	PO
That portion of the Soo Line Railroad (Property ID#0702823310157) between the centerlines of 42nd Street East and 43rd Street East	11	PO	11	IL
That portion of the Soo Line Railroad (Property ID#0702823310157) between the centerlines of 43rd Street East and 45th Street East	I 1	РО	R5	PO

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That portion of the Soo Line Railroad (Property ID #0702823310157) between the centerlines of 45th Street East and 46th Street East currently zoned I1 and R1A	I1/R1A	PO	OR2	PO
That portion of the Soo Line Railroad (Property ID#0702823310157) between the centerlines of 45th Street East and 46th Street East currently zoned C2	C2	PO	C3A	PO

Section 3. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district boundaries so that they follow the centerline of public rights-of-way in a manner identified on maps accompanying the 46th Street Station Area Rezoning Study, recommended for approval by the Planning Commission on January 20, 2009.

Adopted 5/8/2009.

MOTION

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of June, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded. Adopted upon a voice vote 5/8/2009.

RESOLUTIONS

Resolution 2009R-210, declaring the week of May 17, 2009 as National Public Works Week, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-210

By Colvin Roy, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson and Hodges

Declaring the week of May 17, 2009 as National Public Works Week.

Whereas, the United States Senate resolved in 1960 to affirm the first National Public Works Week to be held the third full week in May; and

Whereas, National Public Works Week is a celebration of men and women in North America who provide and maintain the infrastructure and services collectively known as public works; and

Whereas, the Minneapolis City Council seeks to recognize its skilled and knowledgeable Public Works employees who serve residents and other city departments every day with dedication, in the interest of the public good; and

Whereas, Surface Water and Sewers continues to diligently design and build infrastructure to meet the goal of no overflows into the Mississippi River; and

Whereas, the Solid Waste and Recycling Division oversaw a very successful organics collection pilot project and has expanded the pilot into more neighborhoods; and

Whereas, in support of other city departments, the Fleet Services Division added the first electric vehicles to the city fleet; and

Whereas, Public Works played an integral role in establishing the Downtown Special Service District, bringing \$3.5 million dollars in private investment to downtown Minneapolis; and

Whereas, Minneapolis Public Works is at the center of a remarkable time in our city's infrastructure history, with the 2nd and Marquette Urban Partnership Project, Central Corridor, Northstar Commuter Line, Northern Lights Express, Twin Cities to Chicago High Speed Rail, American Recovery and Reinvestment Act projects, a new ballpark, and a new football stadium; and

Whereas, Water Treatment and Distribution has initiated a capital improvements project that will more efficiently dewater the residuals generated at the water treatment plants, resulting in a more efficient and environmentally friendly process with lower energy costs, reduced trucking, and fewer solids entering the river; and

Whereas, Traffic and Parking Services was a critical team member for the successful hosting of the Republican National Convention; and

Whereas, Property Services and Minneapolis Development Review worked together to create a personalized "one-on-one, one-stop" service center for customers that improved customer satisfaction from 68% to 93%;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council acknowledges the significant daily contribution that the employees within the Public Works Department of the City of Minneapolis provide to the citizens and businesses throughout the City during National Public Works Week.

Adopted 5/8/2009.

Resolution 2009R-211, honoring Community Action of Minneapolis on Community Action Day, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-211

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Benson, Remington, Colvin Roy and Hodges

Honoring Community Action of Minneapolis on Community Action Day.

Whereas, Community Action of Minneapolis is dedicated to improving people's lives in the city of Minneapolis; and

Whereas, healthy communities and healthy residents are the centerpiece of any strong and vibrant city; and

Whereas, Community Action of Minneapolis under the leadership of William J. Davis, its president/CEO, has provided Energy Assistance Services, Self Sufficiency Programming, and Home Weatherization Services to the community for the past thirty years, enhancing to quality of life for low-income consumers and the elderly; and

Whereas, the staff of Community Action, its' board members and its' dedicated volunteers uphold the highest standards of servitude by donating their time and their commitment to enriching the community; and

Whereas, the month of May has been declared National Community Action Month to reinforce Community Action Agencies' role in helping low-income consumers and families to achieve stability; and

Whereas, Community Action of Minneapolis will coordinate and motivate over fifty volunteers to extend a helping hand and provide home repairs, and fix-up project for community residents on Community Action Day;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That May 16th, 2009 is hereby declared as Community Action Day.

Adopted 5/8/2009.

Ostrow moved passage of the accompanying resolution amending Resolution 2009R-090 entitled "Amending the 2009 General Appropriation Resolution by establishing revised 2009 appropriation levels for City Departments", passed by the City Council on March 12, 2009, by replacing the table to reflect the adopted revised appropriation levels for City departments.

Adopted 5/8/2009.

Resolution 2009R-212, amending Resolution 2009-090, passed March 12, 2009 by replacing the table to reflect the adopted revised 2009 appropriation levels for City departments, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-212 By Ostrow

Amending Resolution 2009R-090 entitled "Amending the 2009 General Appropriation Resolution by establishing revised 2009 appropriation levels for City departments", passed March 12, 2009.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by replacing the table to reflect the adopted revised appropriation levels for City departments to read as follows:

DEPARTMENT	2009 COUNCIL REVISED BUDGET
ASSESSOR	3,901,207
ATTORNEY	7,427,376
CITY COUNCIL/CLERK/ELECTIONS	7,647,073
FIRE	51,225,715
CIVILRIGHTS	2,366,748
MAYOR	1,493,707
POLICE	122,196,117
HEALTH AND FAMILY SUPPORT	4,475,542
PW-TRANSPORTATION PLANNING AND ENGINEERING	1,743,175
PW-TRANSPORTATION MAINTENANCE & REPAIR	24,234,495
PW-ADMINISTRATIVE SERVICES	2,632,942
PW-SOLID WASTE	75,000
PW-TRAFFIC AND PARKING	11,825,017
HUMAN RESOURCES	5,947,851
FINANCE DEPARTMENT	19,207,516
911/311	10,703,598
REGULATORY SERVICES	23,459,511
CITY COORDINATOR	1,548,569
INTERGOVERNMENTAL RELATIONS	1,445,592
COMMUNICATIONS	2,529,722
NEIGHBORHOOD AND COMMUNITY RELATIONS	808,285
GENERAL FUND CONTINGENCY	2,878,004
LIBRARY	7,500,000
TRANSFERS TO OTHER FUNDS	42,675,034
CPED	3,879,038
TOTAL GENERAL FUND Adopted 5/8/2009.	363,826,832

Resolution 2009R-213, honoring American Indian Future Leaders, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-213

By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy and Hodges

Honoring American Indian Future Leaders.

Whereas, May has been declared American Indian Month in Minnesota; and

Whereas, American Indian people were the first leaders in this country; and

Whereas, the U.S. 2000 Census reports that at least 65% of American Indians now live in urban areas; and

Whereas, American Indian youth make up 2.5 percent of the population of people under the age of 18 in Minneapolis; and

Whereas, the risk for youth violence can be reduced by increasing connectedness to family and other supportive adults and institutions; by increasing commitment to academic achievement, through connection to a positive value system; and by being able to contribute to community well being; and

Whereas, American Indian youth can are the future of their community and should be recognized for the value of their positive contributions and leadership; and

Whereas, Minneapolis, through the Blueprint for Action: Preventing Youth Violence in Minneapolis (January 2008), envisions our city as a place that honors the cultures of its communities, truly listens to its youth, and where youth are a positive force, recognized for their positive contributions; and

Whereas, American Indian youth are gathering in the City Hall rotunda today to celebrate American Indian Future Leaders Day, including art, drumming, and youth speaking about what motivates them to achieve:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Friday, May 8, 2009, be proclaimed as American Indian Future Leaders Day in The City of Minneapolis.

Adopted 5/8/2009.

Resolution 2009R-214, honoring the Latino Economic Development Center and Ramon Leon, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-214

By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy and Hodges

Honoring Latino Economic Development Center and Ramon Leon.

Whereas, The Latino Economic Development Center (LEDC), is a non profit organization that was founded by Latino leaders in different fields of community development; and

Whereas, LEDC's mission is to transform our community by creating economic opportunity for Latinos; and

Whereas, In 1996, there were only four Latino-owned businesses on Lake Street but by 2007 that number has grown to over 253 Latino-owned businesses; and

Whereas, Ramon Leon is the founding and current Executive Director of LEDC and has been an active social justice leader in the Latino community in addition to being the first president of the board of directors of the Mercado Central on East Lake Street; and

Whereas, Ramon Leon is the winner of the 2009 AILA-MN/DAK Immigrant of Distinction Award due to his service and dedication to the immigrant community and was given his award on April 30, 2009 as part of the AILA/Advocates Conference; and

Whereas, Mr. Leon has expressed that he wishes to share this prestigious distinction with all who work with LEDC and the Latino community because of the tireless advocating for immigrants in the U.S.; and

Whereas, Mr. Leon and LEDC will be honored for their work on immigrants issues and economic development within the Latino community at their annual meeting on Wednesday, May 13th in the Ballroom of the Plaza Verde building; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Friday, May 8, 2009, be proclaimed as Latino Economic Development Center Day in The City of Minneapolis.

Adopted 5/8/2009.

Resolution 2009R-215, commending all public servants for their dedication and continued service during Public Service Recognition Week, the week of May 4, 2009, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-215

By Johnson, Ostrow, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Commending all Public Servants for their dedication and continued service during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year.

Whereas, Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public service and to honor the diverse men and women who meet the needs of the City of Minneapolis through work at all levels of government; and

Whereas, Americans are served every single day by public services in every city, county, and state across America and in hundreds of cities abroad; and

Whereas public service is a noble calling, involving a variety of challenging and rewarding professions; and

Whereas, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

Whereas, public servants include teachers and doctors, attorneys and scientists, bus drivers and astronauts, nurses and safety inspectors, planners and engineers, maintenance workers and librarians, computer technicians and clerks, social workers and clerical staff and countless other occupations; and

Whereas, day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

Whereas, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

Whereas May 4 through 10, 2009, has been designated Public Service Recognition Week to honor America's federal, state, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 25th anniversary through job fairs, student activities, and agency exhibits;

Now, therefore, be it resolved, by The City Council of The City of Minneapolis:

That we commend public servants, including Minneapolis' own valued employees, for their outstanding contributions to this great nation during Public Service Recognition Week and throughout the year.

Be It Further Resolved that the City of Minneapolis encourages all residents to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and city.

Adopted 5/8/2009.

Resolution 2009R-216, recognizing May 2009 as American-Indian Month in the City of Minneapolis, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-216

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Recognizing the Month of May, 2009, as American Indian Month in the City of Minneapolis.

Whereas, May, 2009, is recognized as Minnesota American Indian Month; and

Whereas, the State of Minnesota's American Indian Nations will showcase their proud heritage and growing success with a variety of celebrations during the month of May; and

Whereas, the City of Minneapolis is home to a significant urban American Indian population; and Whereas, Native People have contributed to the social, economic and cultural well-being of the City of Minneapolis throughout our 150 years history; and

Whereas, these celebrations shall take place in the form of feasts, cultural events, story telling, open houses, and pow wows, in the City of Minneapolis, and surrounding areas; and

Whereas, we also remember with sorrow the suffering American Indians have endured because of past federal policies that had devastating consequences for Native culture; and

Whereas, we as a City are seeking to ensure that American Indians have a voice equal to that of local government officials in addressing issues of concern to all our citizens; and

Whereas, this large and vibrant urban American-Indian community continues, in league with Tribal Government to solidify its ties with the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby recognizes the Urban American Indian Community for the month of May, 2009, to be American Indian Month in the City of Minneapolis.

Adopted 5/8/2009.

Resolution 2009R-217, honoring the W.I.S.E. Charter School for excellence for their efforts in educating children in North Minneapolis, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-217

By Benson, Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede, Johnson, Lilligren, Ostrow, Remington, Samuels and Schiff

Honoring the W.I.S.E. Charter School for Excellence for their efforts in educating children in North Minneapolis.

Whereas, Carter G. Woodson Institute for Student Excellence (WISE) was founded in 2001 to meet the needs of poor, homeless and highly mobile children; and

Whereas, WISE Charter School is sponsored by the YMCA of Metropolitan Minneapolis and is proudly located on the North Side of Minneapolis; and

Whereas, WISE Charter School's student body is 99% African American, 90% qualify for free lunches and 35% have experienced transitional housing; and

Whereas, WISE Charter School emphasizes academic excellence, cultural awareness and responsible citizenship; and

Whereas, WISE Charter School's embraces the principles of Nguzo Saba, the seven African principles of Kwanzaa that embody high moral values. The principles are Unity, Self-Determination, Collective Work and Responsibility, Cooperative Economics. Purpose, Creativity and Faith; and

Whereas, WISE Charter School has achieved success with 78% of returning students achieving reading scores that meet or exceed national averages, and 75% achieving math scores that meet or exceed national average; and

Whereas, WISE Charter School has a strong community partnership and parental involvement; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That on Friday, May 8, 2009, the Minneapolis City Council honors and commends the WISE Charter School for their effort in educating children in North Minneapolis.

Adopted 5/8/2009.

Resolution 2009R-218, recognizing the contributions of Julia Ward Howe to the advancement of peace and to the origins of Mother's Day, was adopted 5/8/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-218

By Council Members Colvin Roy, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson and Hodges

Recognizing the contributions of Julia Ward Howe to the advancement of peace and to the origins of Mother's Day.

Whereas, Julia Ward Howe, a stalwart advocate for peace and justice, began the Mother's Peace Day Observance in 1872; and

Whereas, Mother's Peace Day was an annual gathering of women to promote amicable settlement of international questions; and

Whereas, Mother's Peace Day was intended to advance the general interests of peace; and Whereas, Mother's Peace Day is at the root of our modern Mother's Day tradition;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Council wishes to acknowledge the outstanding contributions of Julia Ward Howe to the advancement of peace and justice and to honor her legacy by remembering the origins of Mother's Day on May 10, 2009.

Adopted 5/8/2009.

NEW BUSINESS

Hodges moved to introduce an ordinance amending Chapter 2 of the Minneapolis City Charter relating to Elections, adding a new Section 5C entitled "Primary Elections," as referred from the Minneapolis Charter Commission on May 6, 2009, for first reading and referral to the Intergovernmental Relations Committee for a public hearing on June 9, 2009 at 9:30 a.m. (reinstating the City's primary election in the event of a reversal of the decision from the Minnesota Supreme Court in the case of Minnesota Voters Alliance, et al. v. City of Minneapolis, et al.). Seconded.

Adopted upon a voice vote 5/8/2009.

UNFINISHED BUSINESS

A proposed resolution honoring the 2008-2009 State Champion South High Lady Tigers Basketball Team was postponed. Seconded.

Adopted upon a voice vote 5/8/2009.

A proposed resolution honoring all time leading scorer Tayler Hill was postponed. Seconded. Adopted upon a voice vote 5/8/2009.

Lilligren moved to adjourn to Room 315 City Hall to consider the Youna Vang Lee, as next of kin of Fong Lee v. City of Minneapolis, et al; and T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery v. City of Minneapolis, United States District Court File No. 08-CV-512 lawsuits. Seconded. Adopted upon a voice vote 5/8/2009.

Room 315 City Hall

Minneapolis, Minnesota

May 8, 2009 - 11:07 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, President Johnson.

Absent - Samuels, Gordon, Hofstede, Colvin Roy.

Jim Moore, Assistant City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Youna Vang Lee, as next of kin of Fong Lee v. City of Minneapolis, et al; and T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery v. City of Minneapolis, United States District Court File No. 08-CV-512 lawsuits.

At 11:10 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Gordon, Hofstede, Colvin Roy.

Present - Goodman, Hodges, Samuels (In at 11:08 a.m.), Gordon (In at 11:18 a.m.), Hofstede (In at 11:12 a.m.), Ostrow, Schiff, Lilligren, Colvin Roy (In at 11:11 a.m.), Glidden, Remington, Benson, President Johnson.

Also present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore and Greg Sautter, Assistant City Attorneys; Scott Gerlacher, Police Department; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Anissa Hollingshead, City Clerk's Office.

Moore summarized the T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery v. City of Minneapolis, United States District Court File No. 08-CV-512 lawsuit from 11:10 a.m. to 11:20 a.m.

Moore summarized the Youna Vang Lee, as next of kin of Fong Lee v. City of Minneapolis, et al lawsuit from 11:20 a.m. to 11:56 a.m.

At 11:56 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Schiff.

Colvin Roy moved to approve the settlement of the case of *T.J. Management*, *d/b/a Gabby's Saloon and Eatery v. City of Minneapolis*, United States District Court File No.: 08-CV-512 (JRT/FLN) with reimbursement to Plaintiff of the \$25,000 it paid to the City, \$1,000 as and for interest on the money and payment of Plaintiff's attorneys fees in the amount of \$175,000.00 payable to Plaintiff and its attorneys, Leonard Street and Deinard. In exchange Plaintiff agrees to dismiss all remaining claims

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in the lawsuit. Payment shall be from Fund/Org. 06900-1500100-145240-7147. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 5/8/2009.

Absent - Goodman, Schiff.

Lilligren moved to adjourn. Seconded. Adopted upon a voice vote 5/8/2009.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben, City Clerk.

Unofficial Posting: 5/11/2009 Official Posting: 5/15/2009